

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

CYNTHIA B. SCOTT, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	Case No. 3:12-cv-00036-NKM
	)	Sr. Judge Norman K. Moon
	)	
HAROLD W. CLARKE, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
	)	

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**SECOND JOINT STATUS REPORT REGARDING SETTLEMENT**

In response to this Court’s informal request, Plaintiffs Cynthia B. Scott, *et al.* and Defendants Harold W. Clarke, *et al.*, by their respective undersigned attorneys, hereby jointly advise the Court as follows:.

1. Pursuant to a settlement agreement in principle reached between the parties, they entered into a Memorandum of Understanding (“MOU”) on November 25, 2014, setting forth a framework for progression towards a final Settlement Agreement. In accordance with their intentions, the parties filed a Joint Notice of Settlement (ECF Dkt. No. 204), pursuant to which this case was removed from the Court’s trial calendar.

2. The parties subsequently filed a Joint Status Report Regarding Settlement on April 21, 2015 (ECF Dkt. No. 209), updating the Court on the parties’ progress toward reaching a proposed final agreement. Since that time, the parties have held three in-person meetings as well as had numerous other communications by phone and email regarding changes to the VDOC Operating Procedures (OPs) for FCCW pursuant to the MOU and regarding also the form and content of the proposed Settlement Agreement and supporting documents. The parties have

consulted as necessary with their respective medical experts regarding these documents as well as with Dr. Nicholas Scharff, the monitor they have jointly agreed upon.

3. At this stage, the parties have resolved nearly all disagreements on both the OPs and the Settlement Agreement, and are in the process of preparing final documents for submission to the court. The parties anticipate that final documents will be submitted on or before September 15, 2015, with the Class Notice period and scheduling of the Fairness Hearing to proceed as expeditiously as possible thereafter.

4. Counsel for the parties would be pleased to respond to any questions or concerns the Court may have with respect to any of the information set forth above.

DATED: August 21, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of August 2015, a true and correct copy of the foregoing Second Joint Status Report Regarding Settlement was served *via* electronic mail upon the following:

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